

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FARAH JEAN FRANCOIS,

Case No.: 1:22-cv-4447-JSR

Plaintiff,

-against-

VICTORY AUTO GROUP LLC d/b/a
VICTORY MITSUBISHI,
SPARTAN AUTO GROUP LLC d/b/a
VICTORY MITSUBISHI,
STAVROS ORSARIS,
YESSICA VALLEJO,
DAVID PEREZ,
DIANE ARGYROPOULOS, and
PHILIP ARGYROPOULOS,

Defendants.
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AFFIDAVIT OF FARAH JEAN FRANCOIS
IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

STATE OF NEW YORK)
COUNTY OF Nassau)

"I, FARAH JEAN FRANCOIS, declare under penalty of perjury that the foregoing is true and correct.

1. I have reviewed the three photos attached to this affidavit.
2. The first photo is of the man who identified himself to me when I was at the Victory Mitsubishi dealership in September, 2020 as "the owner" of the dealership. This is the "father" and dealership "owner" I described in my deposition as the person I spoke with at the Victory Mitsubishi dealership in September of 2020. To identify the photo, the photo has on the top the text "chris.victory_23 Tereboro Airport" and on the bottom "chris.victory_123 Best deals are made in the #privatejetlife."
3. The second photo is the man who identified himself as the "son" of the "owner" when I was at the Victory Mitsubishi dealership in September of 2020. This is the person I identified as the "son" in my deposition. The second photo is named on the lower right side "Francois Supp Doc Production 3."
4. The third photo is of me taken on May 30, 2020. On May 30, 2020, I was at a surprise birthday party thrown for me by my friend Darline Dumel at 19 Montrose, South Orange, New

Jersey, and I spent the night at that address.

5. I could not stop crying every day for months because of the stress for the results of the fraud committed Victory Mitsubishi, enabled and assisted by the fraud of Emmanuel Laforest.

6. I came to this country for a better life and have tried to do everything right, with the goal of saving my money to buy a house.

7. I was afraid that I was going to be arrested because the Vehicle was in my name and I could be held responsible for anything done with the Vehicle. I still have this fear today.

8. Even when I did go into work, I could not focus.

9. The stress caused me to eat less, and I lost approximately 25 pounds.

10. I could not sleep and got black bags under my eyes from the lack of sleep.

11. Because the identity theft was by Victory Mitsubishi, enabled and assisted by my brother-in-law, has caused major family discord and I no longer live with my husband.

12. I learned that my driver's license was suspended due to the fees and fines incurred by Emmanuel Laforest when I was pulled over by the police while driving on the highway to get to work.

13. I was afraid that I would be arrested for driving on a suspended license.

14. I worked in Queens and there's no train close to my job because it is a private nursing home, so I need to drive to get to work.

15. I had to take Uber to get to work. Sometimes it would cost as much as \$86, especially because of the \$10 toll.

16. I had to take off from work, for which I was not paid, to go try to fight the consequences of Victory Mitsubishi false pulling and using my credit report and falsely getting a loan in my name with capital one. This included time off from work to:

- a. go to the DMV multiple times to try to fight the suspension of my driver's license and the multiple fines;
- b. to return to the DMV again when they said I needed more paperwork from the police;
- c. to go to the police repeatedly to:
 - i. learn what needed to get from the dealership about the fraudulent loan;
 - ii. to bring a photo from the dealership to the police to press charges Emmanuel Laforest;
 - iii. to get additional papers for the DMV;
 - iv. to get papers for my dispute to Capital One for the fraudulent loan'
 - v. to get papers for my written disputes to the MTA

17. I paid postage to the dispute letters I sent to the DMV, the MTA, and the debt collector for the letters my attorney has produced in this case, and the mailing of the attachments referenced in the letter. I spent time going to the post office. I lost time for work for going to

the post office for sending disputes, and was not paid for that time.

18. I was also worried about losing my job because I was having to spend so much time dealing with the fraudulent loan and the repercussions from it.

19. My boss was getting frustrated by it because at the time I worked in customer service at TD Bank and needed to be focused while working.

20. My boss told me I needed to take a week off to work this out. I did not get paid for that week.

21. Most stress I experienced and my crying all the time both at home and at work for months sprang from the fraud by Victory Mitsubishi to create the loan with Capital One, and Capital One wanting that money from me.

22. Much of the stress I experienced when I worked at TD Bank during this time was from Capital One calling me to collect on the fraudulent loan, and, moreover, knowing that Capital One said I owed them over \$29,000.

23. Some of the stress I experienced when I worked at TD Bank during this time was person(s) from Victory Mitsubishi calling me to want me to bring the title of the car to them. They did not need the title from me to first take care of the loan they created in my name with Capital One.

24. Absolutely Emmanuel Laforest was responsible for part of this stress.

25. It was Emmanuel Laforest that brought my driver's license and personal information to Victory Mitsubishi to pull my credit report and arrange for the fraudulent loan with Capital One.

26. It was Emmanuel Laforest that drove the car and obtained hundreds of dollars of unpaid tickets, which resulted in collection letter and the suspension of my driver's license.

27. It was Emmanuel Laforest and some associated that sent me some threatening texts and some nasty phone calls.

28. But I also thought it could be the dealer who did some of this. If the dealer would sell a fraudulent loan I did not know what else they could do. I did feel like it could be the dealer, not just Emmanuel Laforest who could be waiting for me in and alley and hurt me.

29. On or around June 29, 2021, I sent Victory Mitsubishi a letter requesting written confirmation that I would not be liable for the debt. A true and correct copy of the letter is attached to this affidavit. I never received a response to that letter.

I declare under penalty of perjury that the foregoing is true and correct.

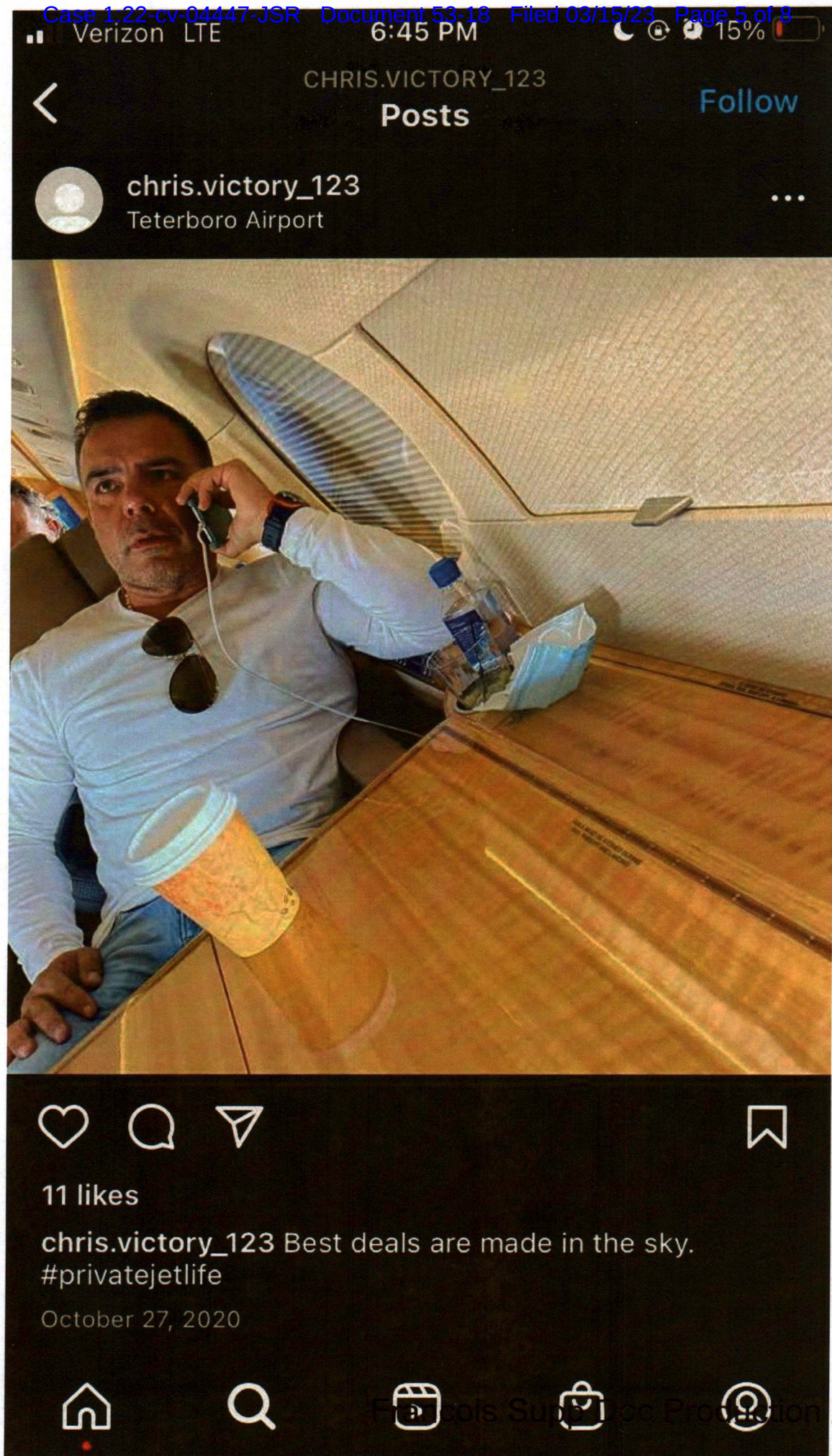
State of New York, County of Nassau

Sworn to before me this 15th day of March, 2023

FARAH JEAN FRANCOIS
FARAH JEAN FRANCOIS

Richard Moffett

Richard Moffett
Notary Public-State of New York
No. 01MO6034701
Qualified in Nassau County
Commission Expires March 18, 2026





Francois Supp Doc Production 3

4:15



May 30, 2020
7:58 PM

Edit



Farah Jean Francois
145 W. 111th Street, Apt. 8
New York, NY 10026

June 29, 2021

VIA U.S. CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Victory Mitsubishi
4070 Boston Road
Bronx, New York 10475

Capital One Auto Finance
7933 Preston Road
Plano, TX 75024

Re: Requesting Written Confirmation of No Liability
Retail Installment Contract # -6242, VIN #WBAJA7C38HG904646

To Whom It May Concern:

I am writing in regards to the vehicle financing and purchase, Retail Installment Contract # -6242 and VIN #WBAJA7C38HG904646, that was fraudulently entered into using my identity on June 29, 2020.

It is my understanding that following the arrest of Emmanuel Laforest and my submission of the Affidavit of Fictitious Account and Fraud Questionnaire that I am no longer being held liable for this fraudulent debt. Please provide me written confirmation for my records that I am not being held liable in any way for the debt, such as proof of the repurchase of the Vehicle.

Respectfully,

Farah Jean Francois